

**ORDINANCE NO. 1431**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 2, "DECISION-MAKING AND ADMINISTRATIVE BODIES", AT DIVISION 7 ENTITLED "DEVELOPMENT REVIEW COMMITTEE", SPECIFICALLY AT SECTION 2-701, ENTITLED "POWERS AND DUTIES" TO REMOVE THE REQUIREMENT THAT AFTER DEVELOPMENT REVIEW COMMITTEE APPROVAL, THE CITY COUNCIL WILL REVIEW PROJECTS OVER 5,000 SQUARE FEET; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, CODIFICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the current Land Development Regulations (LDRs), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417 (2017 LDRs). The intended purpose of the 2017 LDRs was to establish zoning districts and regulations that implement the adopted 2007 Future Land Use Map (FLUM) designations; and

**WHEREAS**, the proposed amendment does not conflict with the comprehensive plan and furthers a number of its goals, objectives and policies; and

**WHEREAS**, specifically, Objective 3B.1 of the Housing Element which requires the city to streamline the regulatory processes and Policy 9.5.3 of the Economic Element that requires the City to establish zoning regulations that facilitates development review in order to retain, expand and attract the business industry; and

**WHEREAS**, Article 3, Division 10, Sections 3-1003 through 3-1007 of the City LDRs outline the procedures for text amendments and zoning map changes to the City LDRs initiated by either the City or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

**WHEREAS**, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

**WHEREAS**, Article 2, Division 7, Section 2-701 currently requires that projects over 5,000 square feet be submitted to City Council for approval following review by the Development Review Committee; and

**WHEREAS**, in an effort to reduce bureaucracy, streamline the process and eliminate barriers that hinder and impede redevelopment, at a meeting held on January 23, 2018, Mayor Smith Joseph requested that the LDRs be amended to eliminate the requirement for City Council review of site plans as mandated by Section 2-701;

**WHEREAS**, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, at duly noticed public meeting held on September 13, 2018, the Planning Commission reviewed the proposed Amendment to the LDRs, the recommendation of City staff, testimony provided at the public hearing (if any), and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendments by passage of this ordinance; and

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**WHEREAS**, pursuant to the requirements of Article 3, Division 10, Section 3-1007 of the City LDRs, the Mayor and City Council reviewed the proposed Amendment to the LDRs at duly a noticed public hearing (first reading) held on October 23, 2018, and voted to retain the requirement with an increase of the review threshold from 5,000 to 20,000 square feet; and

**WHEREAS**, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have reviewed evidence that the amendment is in the best interest of City residents and in accordance with state law; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Recitals.** The recitals to the preamble herein are incorporated by reference.

**Section 2. Amendment to Chapter 29, North Miami Code of Ordinances.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 2, Division 7, entitled “Decision-Making and Administrative Bodies”, specifically at

Section 2-701, , as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES  
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

\* \* \* \* \*

ARTICLE 2. – DECISION-MAKING AND ADMINISTRATIVE BODIES

\* \* \* \* \*

DIVISION 7. - DEVELOPMENT REVIEW COMMITTEE

\* \* \* \* \*

Sec. 2-701. - Powers and duties.

\* \* \* \* \*

Following review by the development review committee, projects over ~~5,000~~ 20,000 square feet shall be submitted to the city council for approval.

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**Section 3.**     **Repeal.** All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4.**     **Conflicts.** All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

**Section 5.**     **Severability.** The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

**Section 6.**     **Scrivener's Errors.** The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

**Section 7.**     **Codification.** The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of



this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or any other appropriate word.

**Section 8. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 23rd day of October, 2018.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 27th day of November, 2018.

  
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DR. SMITH JOSEPH  
MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: MAYOR DR. SMITH JOSEPH

Moved by: Galvin

Seconded by: Bien-Aime

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

<u>X</u>	(Yes)	<u>      </u>	(No)
<u>X</u>	(Yes)	<u>      </u>	(No)
<u>X</u>	(Yes)	<u>      </u>	(No)
<u>X</u>	(Yes)	<u>      </u>	(No)
<u>X</u>	(Yes)	<u>      </u>	(No)